

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE REAL ESTATE APPRAISERS BOARD

COPY

In the Matter of:

ALEXANDER RAGOLSKY

Certification # 42RC001528

CONSENT ORDER

This matter was opened before the New Jersey State Real Estate Appraisers Board upon the Board's receipt of a complaint submitted by Chase Home Lending ("Chase") concerning an appraisal upon property located at 400 Deal Lake Drive #5J, Asbury Park, NJ, dated September 23, 2008, which report was prepared and signed by Anatoli Skibinski as "appraiser" and by respondent Alexander Ragolsky as "supervisory appraiser" (hereinafter the "subject appraisal"). Within their complaint, Chase alleged the property was overvalued within the subject appraisal (respondent concluded that the value of the appraised property was \$425,000; a review appraiser who conducted an independent review appraisal for Chase valued the property at \$320,000), and that provisions of the Uniform Standards of Professional Appraisal Practice (the "USPAP") may have been violated in the preparation of the subject appraisal.

In reviewing this matter, the Board has considered available information concerning the subject appraisal, to include, without limitation, information supplied by Chase, to include a copy of the review appraisal; a written statement provided to the Board on respondent's behalf by Thomas A. Harley, Esq., dated February 2, 2009;

a statement in writing under oath dated April 25, 2009, which respondent provided to the Board; the workfile that respondent maintained for the subject appraisal; and testimony that respondent offered when he appeared before the Board for an investigative hearing on November 10, 2009, represented by Thomas A. Harley, Esq.

Initially, the Board finds that, by signing the reports as "supervising appraiser," respondent necessarily accepted full responsibility for the assignment results and the contents of the appraisal report. See Uniform Standards of Professional Appraisal Practice, Standards Rule 2-3 and comment thereto.

Upon review of available information, the Board finds that, when preparing the subject appraisal, respondent:

- failed to appropriately verify information regarding the subject condominium, or any of the condominium units that he analyzed when developing the sales comparison approach, by obtaining the master deeds for any of the properties.
- inappropriately relied on information that was communicated solely by a property owner in the subject condominium, without seeking to independently verify that information.
- failed to make any adjustments in the sales comparison approach between the subject property, which was estimated to have an effective age of 10-15 years and described in the report as being "found to be in average condition," and two brand new condominium units which were analyzed as Comparable Sales 1 and 2.

- failed to conduct sufficient research to determine that the subject property had been listed by the Department of Environmental Protection as a known contaminated site, and thus failed to consider the effect of such designation when developing the subject appraisal.

Based on the above findings, the Board concludes that respondent violated Standards Rules 1-1(a), 1-1(c), 1-6, 2-1(a), 2-2(b) (iii) and 2-2(b) (viii) when acting as "supervising appraiser" for the subject appraisal. Additionally, the Board concludes that respondent violated the Competency Rule, as he had insufficient knowledge of the neighborhood in which the property was situate and/or regarding the manner in which information concerning condominiums should be verified.

By violating the provisions of USPAP cited above, respondent in turn violated the requirements of N.J.A.C. 13:40A-6.1(a), which is deemed to constitute professional misconduct. See N.J.A.C. 13:40A-6.1(b). The Board concludes that cause for formal action against respondent exists pursuant to N.J.S.A. 45:1-21(e) (engaging in professional misconduct) and 45:1-21(h) (violation of provisions of any act or regulation administered by the Board).

The parties desiring to resolve this matter without need for additional administrative proceedings, and the Board being satisfied that good cause exists for the entry of the within Order,

IT IS on this 28<sup>th</sup> day of February, <sup>2012</sup>~~2011~~

ORDERED and AGREED:

1. Respondent Alexander Ragolsky is hereby formally

reprimanded based on the violations detailed above.

2. Respondent Alexander Ragolsky is hereby assessed a civil penalty in the amount of \$2,500, which penalty shall be paid in ten equal monthly installments of \$250 per month. The first payment of \$250 shall be made not later than July 30, 2011, and each payment thereafter shall be made on or before the 30<sup>th</sup> day of each succeeding month, with a final installment payment of \$250 to be made on or before April 30, 2012.

3. Respondent Alexander Ragolsky is hereby assessed costs of investigation, in the amount of \$142.00, which costs shall be paid in full upon entry of this Order.

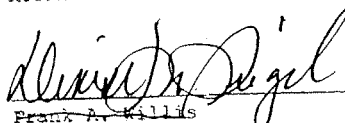
4. Respondent shall, within six months of the date of entry of this Order, take and successfully complete a 15 hour course in the Uniform Standards of Professional Appraisal Practice. Respondent shall be required to secure pre-approval from the Board for any course he proposes to take to satisfy the requirements of this paragraph. The course shall be taken in a classroom setting (that is, the Board will not approve an "on-line" course). For purposes of this paragraph, "successfully complete" shall mean that respondent shall be required to pass the examination given at the end of the course and/or obtain a passing grade at the completion of the course. Respondent may not claim any continuing education credit for the completion of the course herein required.

5 Respondent shall, within six months of the date of entry of this Order, take and successfully complete a course in the appraising of properties with condominium ownership. Respondent shall be required

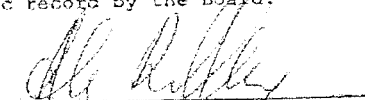
to secure pre-approval from the Board for any course he proposes to take to satisfy the requirements of this paragraph. The course shall be taken in a classroom setting (that is, the Board will not approve an "on-line" course). For purposes of this paragraph, "successfully complete" shall mean that respondent shall be required to pass the examination given at the end of the course and/or obtain a passing grade at the completion of the course. Respondent may not claim any continuing education credit for the completion of the course herein required.

NEW JERSEY STATE REAL ESTATE  
APPRAISER BOARD

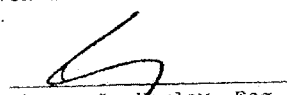
By:

  
Frank A. Wallis  
Board President

I acknowledge that I have read and considered this Order, and agree to the entry of the Order as a matter of public record by the Board.

  
Alexander Ragolsky, SCRREA

Consent given to the form and entry of this Order.

  
Thomas A. Harley, Esq.  
Counsel for Respondent